

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

JANELL SQUIRES,)	
)	
Charging Party,)	CASE NO. 0009009262
)	
v.)	
)	ORDER AFFIRMING DISMISSAL
KALISPELL CITY POLICE DEPT,)	
)	
Respondent.)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on March 19, 2001. The matter was before the Commission for consideration of the Charging Party's objection to the dismissal of the complaint. Oral argument was not requested and the matter was considered on the record.

After reviewing the record, the Commission finds that the Human Rights Bureau properly dismissed the matter. The record shows that Charging Party, a female police officer and K-9 trainer, stated a prima facie case of sex discrimination. However, the record supports the Investigator's finding that Charging Party did not prove by a preponderance of the evidence that Respondent treated Charging Party less favorably than male police officers in allowing her the opportunity to work overtime, or by yelling at her. The record also supports the Investigator's conclusion that Charging Party did not state a prima facie case of retaliation when she alleged that the K-9 program was cancelled to retaliate against her, because evidence shows that the decision to cancel the K-9 program was made fifteen months after Charging Party's complaint. The record shows that Respondent's reason for canceling the program was based on budget considerations and that it was not a pretext for discrimination or retaliation. The Investigator did not abuse her discretion when she issued a notice of dismissal. 24.9.1714(3),ARM. Accordingly, the notice of dismissal must be affirmed.

IT IS HEREBY ORDERED, that the Charging Party's objection is unanimously overruled and the notice of dismissal is affirmed.

Dated this __ day of March, 2001.

Gloria "Patt" Etchart, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned employee of the Human Rights Bureau certifies that a true copy of the foregoing **ORDER AFFIRMING DISMISSAL** was served on the following persons by U. S. Mail, postage prepaid on the _____ day of March, 2001.

PETER MICHAEL MELOY
MELOY & MORRISON
THE BLUESTONE
80 S WARREN
PO BOX 1241
HELENA, MT 59624

STEVEN T. WADE
BROWNING KALECZYC BERRY & HOVEN
139 N LAST CHANCE GULCH
PO BOX 1697
HELENA, MT 59624

Farah Davidson, Human Rights Bureau